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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D'Elia et al. Examiner: Peralta, G.  
Serial No.: 09/575,349 Group Art Unit: 2814  
Filed: May 19, 2000 Docket No.: AMDA.474PA  
Title: CVD GAS INJECTOR AND METHOD THEREFOR

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 8, 2001.

By: *Erin M. Nichols*  
Erin M. Nichols

OFFICE ACTION RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 26, 2001, please consider the following remarks.

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Office Action dated September 26, 2001, indicated that restriction to Group I, claims 1-18 or Group II, claims 19-30, was required. The rationale cited MPEP 806.05(e), but truncated the most relevant sentence. This sentence explains that it is inappropriate to restrict method claims from apparatus claims where the apparatus claims include a linking claim to "means" for practicing the process. Thus, the MPEP states in pertinent part:

Process and Apparatus for Its Practice - Distinctness In applications claiming inventions in different statutory categories, only one-way distinctness is generally needed to support a restriction requirement. See MPEP Section 806.05(c). Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (1) that the process as